

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 C.F.R. §1.8 on August 18, 2008.

Date: August 18, 2008 Name: Gustavo Siller, Jr. Signature: /Gustavo Siller, Jr./

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kimihiro KIKUCHI

Serial No.: 10/802,170

Filed: 03/17/2004

For: METHOD OF
MANUFACTURING HOLDER-
MOUNTED OPTICAL ELEMENT

Attorney Docket No: 9281-4767

Examiner: Jason L. Lazorcik

Group Art Unit: 1791

Confirmation No. 3840

Client No. S US03017

**REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT**

Mail Stop Patent Ext
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Patent Application Information Retrieval (PAIR) system indicates a patent term adjustment that was calculated by the U.S. Patent office pursuant to 37 C.F.R. 1.701 of 586 days. A copy of the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History is attached as Exhibit A.

Applicant's Attorney believes that the patent term adjustment should be 827 days. For the reasons stated herein, reconsideration of the patent term adjustment is respectfully requested pursuant to 37 C.F.R. 1.705(b). Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925.

The present application is not subject to a terminal disclaimer. In addition, there were no circumstances during the prosecution of the application resulting in the notice of allowance that constitute a failure of the Applicant to engage in reasonable efforts to

conclude processing or examination of the present application as set forth in 37 C.F.R. § 1.704.

Period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1)

The period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1) is the number of days in the period beginning on the day ("the 14 month date") after the date that is fourteen months after the date on which the application was filed pursuant to 35 U.S.C. § 111(a), or fulfilled the requirements pursuant to 35 U.S.C. § 371, and ending on the date of mailing or either an action pursuant to 35 U.S.C. § 132 or a notice of allowance pursuant to 35 U.S.C. § 151, whichever comes first.

The PTO calculation of the period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1) indicates, as shown by the PAIR PTA adjustment history, an adjustment of 631 days (14 months after the filing of the application on March 17, 2004 to the mailing of the first Office Action on February 7, 2007).

Period of adjustment pursuant to 37 C.F.R. § 1.703(b)

The period of adjustment pursuant to 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day ("the 3 year date") after the date that is three years after the date on which the application was filed pursuant to 35 U.S.C. § 111(a) or fulfilled the requirements pursuant to 35 U.S.C. § 371.

The present application was filed on March 17, 2004. The 3 year date specified in 37 C.F.R. § 1.703(b) is March 17, 2007. The PTO issued a patent for the present application on June 17, 2008. The difference between the 3 year date and the date of issue of the patent is 241 days.

Reduction in Period of Adjustment pursuant to 37 C.F.R. § 1.704(b)

Pursuant to 37 C.F.R. § 1.704(b), the period of adjustment shall be reduced by the number of days, if any, beginning on the day after the date (the 3 month date) that is three months after the date of mailing or transmission of an Office communication notifying the applicant of a rejection, objection, etc., and ending on the date a corresponding reply was filed.

The PTO calculation of the period of reduction of adjustment pursuant to 37 C.F.R. § 1.704, as shown by the PAIR PTA adjustment history, is 45 days.

Total Patent Term Adjustment

For the present application, the total patent term adjustment pursuant to 37 C.F.R. § 1.703(f) is the period of adjustment pursuant to 37 C.F.R. § 1.703 reduced by any delays pursuant to 37 C.F.R. § 1.704. Thus, according to our calculations, we believe that the patent term adjustment should be at least 631 days + 231 days - 45 = 817 days.

It is respectfully asserted that the patent term adjustment determined by the U.S. Patent and Trademark Office for the present application may not be correct. Accordingly, Applicant's Attorney respectfully requests the U.S. Patent and Trademark Office to reconsider, and make revisions to the PAIR system Patent Term Adjustment History in view of the previous remarks. In addition, it is respectfully requested that the patent term adjustment be re-calculated by the U.S. Patent and Trademark Office in view of the above remarks. Office personnel are invited to contact the undersigned attorney for the Applicant's Attorney via telephone if such communication would be beneficial in fulfilling this request.

Respectfully submitted,

/Gustavo Siller, Jr./
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Attorney for Applicant

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EXHIBIT

A

10/802,170	METHOD OF MANUFACTURING HOLDER-MOUNTED OPTICAL ELEMENT	08-18- 2008::10:21:03
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Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/802,170

Filing or 371(c) Date:	03-17-2004	USPTO Delay (PTO) Delay (days):	631
Issue Date of Patent:	06-17-2008	Three Years:	
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	45
Post-Issue Petitions (days):	+0	Total PTA (days):	586
USPTO Adjustment(days):	+0	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
05-28-2008	PTA 36 Months		
06-17-2008	Patent Issue Date Used in PTA Calculation		
05-09-2008	Dispatch to FDC		
05-09-2008	Application Is Considered Ready for Issue		
05-08-2008	Issue Fee Payment Verified		
05-08-2008	Issue Fee Payment Received		
02-27-2008	Mail Notice of Allowance		
01-22-2008	Document Verification		
01-22-2008	Notice of Allowance Data Verification Completed		
01-22-2008	Case Docketed to Examiner in GAU		
11-16-2007	Date Forwarded to Examiner		
11-16-2007	Date Forwarded to Examiner		
11-13-2007	Request for Continued Examination (RCE)	45	
11-16-2007	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)		↑
11-13-2007	Request for Extension of Time - Granted		↑
11-13-2007	Workflow - Request for RCE - Begin		↑
10-12-2007	Mail Advisory Action (PTOL - 303)		↑
10-11-2007	Advisory Action (PTOL-303)		↑
10-04-2007	Case Docketed to Examiner in GAU		↑
10-02-2007	Date Forwarded to Examiner		↑
10-01-2007	Amendment after Final Rejection		↑
06-29-2007	Mail Final Rejection (PTOL - 326)		↑
06-27-2007	Final Rejection		↑
05-02-2007	Date Forwarded to Examiner		↑
04-30-2007	Response after Non-Final Action		↑
02-07-2007	Mail Non-Final Rejection	631	
02-02-2007	Non-Final Rejection		↑
03-17-2004	Information Disclosure Statement considered		↑
01-26-2007	Case Docketed to Examiner in GAU		↑
10-17-2006	Case Docketed to Examiner in GAU		↑
04-11-2006	Miscellaneous Incoming Letter		↑
03-25-2005	IFW TSS Processing by Tech Center Complete		↑
03-25-2005	Case Docketed to Examiner in GAU		↑
03-17-2004	Reference capture on IDS		↑

03-17-2004	Information Disclosure Statement (IDS) Filed	↑
03-17-2004	Information Disclosure Statement (IDS) Filed	↑
03-17-2004	Request for Foreign Priority (Priority Papers May Be Included)	↑
03-17-2004	Preliminary Amendment	↑
11-19-2004	Transfer Inquiry to GAU	↑
06-03-2004	Application Return from OIPE	↑
06-04-2004	Application Is Now Complete	↑
06-03-2004	Application Return TO OIPE	↑
06-03-2004	Application Return from OIPE	↑
06-03-2004	Application Return TO OIPE	↑
06-03-2004	Application Dispatched from OIPE	↑
06-03-2004	Application Is Now Complete	↑
04-13-2004	Cleared by OIPE CSR	↑
04-01-2004	IFW Scan & PACR Auto Security Review	↑
03-17-2004	Initial Exam Team nn	↑

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